IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

WP(C).No. 15259 of 2007(N)

PETITIONER:

M/S.ESSAR TELECOM INFRASTRUCTURE (P) LTD., 41/256, C-19, SECOND FLOOR, MATHER SQUARE, OPP.NORTH RAILWAY STATION, COCHIN-682 018, REPRESENTED BY EXECUTIVE (SITE ACQUISITIONS & ADMINISTRATION) MR.RAHUL DAS.

BY ADV. SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN

RESPONDENTS:
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1. **THE CIRCLE INSPECTOR OF POLICE, BALUSSERY POLICE STATION, KOZHIKODE DISTRICT.**
2. **THE SUB INSPECTOR OF POLICE, BALUSSERY POLICE STATION, KOZHIKODE DISTRICT.**
3. **SRI.RIJU.M., MUPPETTAKKUNNEL HOUSE, EKAROOL, P.O.SIVAPURAM, KOZHIKODE DISTRICT.**
4. **SRI.GIREESAN, MUPPETTAKKUNNEL HOUSE, EKAROOL, P.O.SIVAPURAM, KOZHIKODE DISTRICT.**
5. **SRI.MOHANAN, MUPPETTAKKUNNEL HOUSE, EKAROOL, P.O.SIVAPURAM, KOZHIKODE DISTRICT.**

BY GOVERNMENT PLEADER SRI. SALIM P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.15259/2007 N

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF BUILDING PERMIT NO.A2-615/06-07 DTD. 15/03/07 ISSUED BY THE SECRETARY, UNNIKULAM GRAMA PANCHAYAT TO THE PETITIONER.**

EXT.P2: **COPY OF THE COMPLAINT DTD. 12/05/2007 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**

EXT.P3: **COPY OF THE ORDER IN WP(C) NO.7324/07 DTD. 5/03/2007 OF THIS HONOURABLE COURT.**

/TRUE COPY/

P.S.TO JUDGE

KSS

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO. 15259 OF 2007-N

Dated 28th September, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner seeks protection for erection of a telecommunication tower for mobile phone service. This Court has already granted an interim order in favour of the petitioner on 24.5.2007. Therefore, no further orders are required in this writ petition. But, it is clarified that the order of this Court will not affect the powers of the statutory authorities to take appropriate action in accordance with law, if there is any illegality in the erection of the tower or its functioning.

With the above clarification, the writ petition is closed.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/